

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission
Through: Townsley Schwab, Acting Sr. Director of Planning & Environmental Resources
From: Steven Biel, Sr. Planner *SB*
Date: November 21, 2008
Subject: *Request for a variance by Habitat for Humanity of Key West and the Lower Keys for property located on the Overseas Highway, between Sapphire and Emerald Drives, Big Coppitt Key, Real Estate No. 00156320.000000*

Meeting: December 16, 2008

UPDATE: At the October 8, 2008 Planning Commission meeting, the Planning Commission acted to continue this variance request to the October 22, 2008 Planning Commission meeting so that the applicant could address several issues related to the site plan expressed by the Planning Commission and the public. The Planning Commission specifically asked that all parking spaces be clearly delineated, setbacks be clearly shown, site triangles be shown for Emerald and Sapphire Drives as requested by the County's traffic consultant, and show where trash pick-up would be. The applicant has provided a revised site plan addressing the concerns of the Planning Commission in the following way:

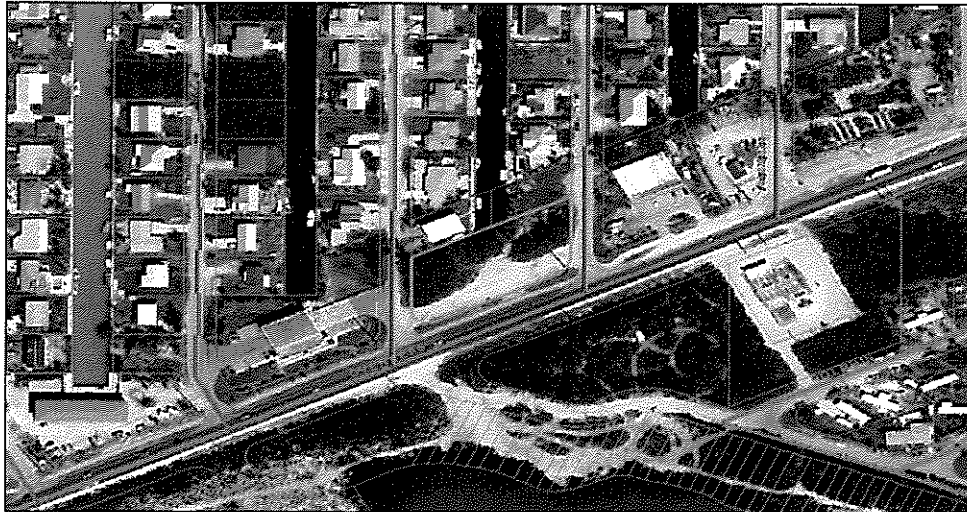
- The five overflow parking spaces have been reduced to four spaces and have been delineated as well as the individual unit parking spaces
- The required setback lines are shown by dashed gray lines
- Site triangles have been shown on the revised site plan for both Emerald and Sapphire Drives, and the County's traffic consultant has verified them
- The trash containers have been shown on the revised site plan and are located under the entry stairs to the units and will be rolled to the curb on Emerald and Sapphire Drives for pick-up

It should also be noted that the variance request has changed from the previous application. The request is now for a variance of eight (8) feet, two (2) inches along US 1, twenty (20) feet along Emerald Drive, and fourteen (14) feet, eight (8) inches along Sapphire Drive. The previous request was for nine (9) feet along US 1, twenty-two (22) feet along Emerald Drive, and eleven (11) feet along Sapphire Drive.

I REQUEST:

The subject property is located in a Sub Urban Commercial (SC) Land Use District. The property is a corner lot and the applicant is requesting a variance of eight (8) feet, two (2)

1 inches from the required twenty-five (25)-foot front yard setback along US 1, twenty (20)
2 feet from the required twenty-five (25)-foot front yard setback along Emerald Drive, and
3 fourteen (14) feet, eight (8) inches to the required twenty-five (25)-foot front yard setback
4 along Sapphire Drive. As a result, the front yard setback would be sixteen (16) feet, ten
5 (10) inches along US 1, five (5) feet along Emerald Drive, and ten (10) feet, four (4)
6 inches along Sapphire Drive.



Subject Property, Overseas Highway, Big Coppitt Key (2006)

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24 The granting of this variance would provide the applicant with more buildable land area
25 to better facilitate the arrangement of twelve (12) deed-restricted, employee housing
26 units, open space, internal driveways, and overflow parking areas within a proposed
27 residential development.

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29 Location:

30 Address: Overseas Highway (US 1), between Sapphire and Emerald Drives, Big
31 Coppitt Key, MM 10.5 (gulfside)

32 Legal Description: Porpoise Point, Section 5, Big Coppitt Key, PB5-119, Part
33 Tract B

34 Real Estate Number: 00156320.000000
35

36 Applicant:

37 Owner: Monroe County

38 Agent: Bob Calhoun, Habitat for Humanity of Key West and Lower Florida Keys
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40 II RELEVANT PRIOR COUNTY ACTIONS:
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42 The Property Appraiser's records show the subject property was conveyed to the County in
43 December 2005. At an October 2005 Board of County Commissioners (BOCC) meeting,
44 the BOCC directed Housing and Community Development staff to advertise a Request for
45 Qualifications (RFQ) for the development of ten workforce housing units on the subject

property. At a December 2007 BOCC meeting, the BOCC awarded the project to Habitat for Humanity.

The applicant applied for a minor conditional use permit on June 26, 2008. The conditional use permit application is running concurrently with this variance application and is also scheduled to be heard and decided upon by the Planning Commission on December 16, 2008.

III BACKGROUND INFORMATION:

- A. Size of Site: 36,838 ft² (0.845 acres)
- B. Land Use District: Sub Urban Commercial (SC)
- C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)
- D. Tier Designation: Tier 3
- E. Flood Zone: AE-EL 10
- F. Existing Use: Vacant
- G. Existing Vegetation / Habitat: Scarified
- H. Community Character of Immediate Vicinity: Mixed Use, residential, commercial, and public uses

IV REVIEW OF APPLICATION:

As set forth in MCC §9.5-281, the required non-shoreline setbacks for the SC District are as follows: Front yard – 25 feet; Rear yard – 10 feet; and Side yard – 10 / 15 feet (where 10 feet is the required side yard for one side and 15 feet is the minimum combined total of both side yards).

The subject property is a corner lot, situated between the intersections of Emerald Drive and US 1 and Sapphire Drive and US 1 on Big Coppitt Key. It is bordered by the right-of-way of Sapphire Drive to the East; the right-of-way of US 1 to the South; the right-of-way of Emerald Drive to the West; and one developed residential lot, one undeveloped residential lot, and a canal to the North. Currently, there are no structures on the subject property.

The property has required front yard non-shoreline setbacks of 25 feet along all three rights-of-way and a required rear yard non-shoreline setback of 10 feet along the non-shoreline portions of the northern property line. In addition, pursuant to MCC §9.5-349(b), principal structures shall be set back at least 20 feet from the mean high water line of the canal to the North. Certain accessory structures may be permitted in the shoreline setback in accordance with MCC §9.5-349(c).

The applicant is requesting a variance from the Planning Commission of 8 feet, 2 inches from the required 25-foot front yard setback along US 1, 20 feet from the required 25-foot front yard setback along Emerald Drive, and 14 feet, 8 inches from the required 25 foot front yard setback along Sapphire Drive. As a result, the front yard setbacks would be 16 feet, 10 inches along US 1, 5 feet along Emerald Drive, and 10 feet, 4 inches along Sapphire Drive.

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2 The granting of this variance would provide the applicant with more buildable land area to
3 better facilitate the arrangement of the 12 deed-restricted, employee housing units, internal
4 driveways, open space, and overflow parking areas within a proposed residential
5 development.
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7 A site plan submitted with the variance application, by Laird Ueberroth, RA and
8 Associates, and revised October 14, 2008 at the Planning Commission's request, indicates
9 that two proposed residential buildings would be located within the front yard setback
10 along US 1. In addition, proposed off-street overflow parking spaces would be located
11 within the required front yard setbacks along Emerald and Sapphire Drives.
12

13 *Pursuant to MCC §9.5-524, the Planning Commission may grant a variance if the*
14 *applicant demonstrates that all of the following standards are met:*
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16 A. *The applicant demonstrates a showing of good and sufficient cause;*
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18 The applicant contends that the site presents a difficult design problem because of the
19 three (3) street frontages. There is also 20 foot utility easement with a recently installed
20 sewer line along the northern portion of the property. The applicant believes that if the
21 requested variance is approved, the property would have the same buildable area as
22 property with only one street frontage. In addition, by permitting the location of the
23 overflow parking spaces closer to Emerald and Sapphire Drives, it would reduce the need
24 for guests to park on Emerald and Sapphire Drives.
25

26 Staff has determined that a variance to the required non-shoreline front yard setbacks
27 along US 1, Emerald Drive, and Sapphire Drive would be necessary for the applicant to
28 construct the 12 employee housing units as well as the internal driveways and overflow
29 parking areas in order to provide the proposed amount of interior open space.
30 Furthermore, the overflow parking is not required by code; however, it would reduce
31 demand for on-street parking on Emerald and Sapphire Drives. Therefore, staff has
32 found that the applicant has demonstrated a showing of good and sufficient cause.
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34 B. *Failure to grant the variance would result in exceptional hardship to the applicant;*
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36 The applicant asserts that by constructing the 12 employee housing units in the four (4)
37 buildings, rather than all the employee housing units in one (1) building, would keep the
38 proposed development consistent with the character of the surrounding neighborhood,
39 which is a criteria for approval of the conditional use permit.
40

41 Staff believes the residential development as proposed would be more consistent with the
42 surrounding neighborhood of single-family dwellings and duplexes. The proposed
43 design integrates the internal driveways and open space among the four (4) buildings in a
44 manner that would be more astatically pleasing than constructing a single "apartment"
45 building with the 12 housing units. To deny the variance would deny the ability to
46 comply with the conditional use requirements for neighborhood compatibility and deny a

1 normal building area which would produce an exceptional hardship. Therefore, staff has
2 found that failure to grant the variance would result in exceptional hardship to the
3 applicant.
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- 5 C. *Granting the variance will not result in increased public expenses, create a threat to*
6 *public health and safety, create a public nuisance, or cause fraud or victimization of the*
7 *public;*
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9 The applicant asserts that the variance would not result in increased public expenses,
10 create a threat to public health and safety, create a public nuisance, or cause fraud or
11 victimization of the public. The applicant further states that potential nuisance to the
12 public would be reduced by allowing the overflow parking areas in the front yard
13 setbacks along Emerald and Sapphire Drives, thus reducing the need for overflow
14 parking to take place on Emerald and Sapphire Drives.
15

16 Following a review of the site plan and traffic analysis, staff has found that granting the
17 variance would not result in increased public expenses, create a threat to public health
18 and safety, create a public nuisance, or cause fraud or victimization of the public.
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- 20 D. *The property has unique or peculiar circumstances, which apply to this property, but*
21 *which do not apply to other properties in the same zoning district;*
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23 The applicant contends that the County granted a 20-foot utility easement along the
24 northern property line, where a sewer line was recently installed. This requires the
25 buildings to be set back 20 feet from the northern property line.
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27 The applicant further contends that the property would normally be considered a side
28 yard because the buildings face Emerald and Sapphire Drives, thus only a 10 foot setback
29 would be required. According to the applicant, the side yard would only have to provide
30 a 16 foot Class-D bufferyard (80 percent of 20 feet due to the provision of a solid wall).
31 Consequently, due to the utility easement, the buildings must be closer to US 1.
32

33 The applicant states that due to the three street frontages, utility easement, and the fact
34 that the proposed development would consist entirely of employee housing, that the site
35 is unique and peculiar and does not apply to other properties in the SC District.
36

37 The property is bordered by three rights-of-way. Although there are several other corner
38 lots in the SC District, few properties are situated in a similar manner and have three
39 front yard setback requirements. Therefore, staff has found that the property has unique
40 or peculiar circumstances, which apply to this property, but which do not apply to other
41 properties in the same zoning district.
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- 43 E. *Granting the variance will not give the applicant any special privilege denied other*
44 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
45 *established development patterns;*
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Staff has found that granting the variance would not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of the land development regulations or established development patterns.

- F. *Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family;*

Staff has found that granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family.

- G. *Granting the variance is not based on the domestic difficulties of the applicant or his family; and*

Staff has found that granting the variance is not based on the domestic difficulties of the applicant or his family.

- H. *The variance is the minimum necessary to provide relief to the applicant.*

The applicant asserts that the variance request is the minimum necessary to provide relief. The applicant further states that due to the utility easement being 10 feet larger than the required side yard setback, the proposed variance of 8 feet, 2 inches along US 1 is the minimum footage necessary in order to construct the 12 employee housing units.

In addition, the applicant states that the setback encroachments along Emerald and Sapphire Drives are only necessary to provide additional onsite parking in order to accommodate concerns of the neighbors and greatly reduce the potential street-side parking by visitors.

Staff has found that the variance is the minimum necessary to provide relief to the applicant.

V RECOMMENDATION:

Staff recommends APPROVAL to the Planning Commission for a Variance of 8 feet, 2 inches from the required 25-foot front yard setback along US 1, 20 feet from the required 25-foot front yard setback along Emerald Drive, and 14 feet, 8 inches from the required 25-foot front yard setback along Sapphire Drive, with the following conditions:

- A. This variance is based on the design of the four (4) residential buildings, with a total of twelve (12) employee housing units, as shown on the most up-to-date site plan in the conditional use permit application. Work not specified or alterations to the site plan may not be carried out without additional Planning & Environmental Resources Department approval.
- B. This variance is to allow the four (4) residential buildings, with a total of twelve (12) employee housing units, as shown on the most up-to-date site plan in the conditional use

1 permit application, within the required front yard setbacks along US 1, Emerald Drive,
2 and Sapphire Drive. It does not waive any other required setbacks and it does not waive
3 the required front yard setbacks for any future structures or additions.
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5 VI PLANS REVIEWED:
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- 7 A. Site Plan (S1) by Laird Ueberroth, RA & Associates, dated October 14, 2008
8 B. Boundary Survey by R.E. Reece, PA, dated September 15, 2005